

REMARKS**Summary of the Office Action**

In the Office Action, claims 1-14, 17, 18 and 26 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Publication No. 2002/0028418 to *Farag*.

Claims 15 and 16 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Farag* in view of U.S. Publication No. 2001/0037304 to *Paiz*.

Summary of the Response to the Office Action

Based on the arguments presented below, claims 1-18 and 26 are pending for further consideration.

All Claims are Allowable

In the Office Action, claims 1-14, 17, 18 and 26 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Publication No. 2002/0028418 to *Farag*. Claims 15 and 16 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Farag* in view of U.S. Publication No. 2001/0037304 to *Paiz*.

Applicant respectfully traverses these rejections for the following reasons.

With regard to independent claim 1, Applicant respectfully maintains that *Farag* and *Paiz*, viewed either singly or in combination, fail to teach or fairly suggest a data base for the storage of data, the data base including, “dental data concerning universally applicable dentition-specific features and universally applicable tooth-specific features, wherein the dental data illustrate real teeth as images in digitized form and said digitized form also involves one of universally applicable dentition-specific features, tooth-specific features and structural properties, including at least one of sex-specific, tooth family-specific, biography-specific, and person-specific characteristics, with or without anomalous characteristics,” as recited in independent claim 1 (emphasis added).

Support for these features recited in claim 1 can be found at least on page 3, line 28 to page 9, line 28, and further on page 16, line 7 to page 20, line 28 of the originally filed specification, and in Figs. 1-7 of the originally filed drawings. Specifically, as shown in Figs. 1-7, the present invention provides a data base for the storage of data. The data base includes

dental data concerning universally applicable dentition-specific features and universally applicable tooth-specific features. The dental data illustrate real teeth as images in digitized form. The digitized form also involves universally applicable dentition-specific features, tooth-specific features or structural properties. The digitized form also includes sex-specific, tooth family-specific, biography-specific, and/or person-specific characteristics, with or without anomalous characteristics.

With regard to claims 1-18 and 26, the Office Action cites *Farag* and *Paiz* as teaching or suggesting the data base recited in the claims.

Farag, as illustrated in Fig. 3 and discussed in Paragraphs 34 and 38 thereof, discloses a method 300 for dental imaging. In a particular embodiment, as noted in the Official Action and discussed in Paragraph 38 of *Farag*, method 300 includes storing 340 the 3-D image in association with patient information.

As noted in Paragraph 6 (Response to Arguments) of the Official Action, the Official Action indicates that Paragraph 38 (as discussed above) and Fig. 2 of *Farag* discloses the storage of data and the illustration of digitized images 275/285 of real teeth. The Official Action further indicates that “such 3-D digital images of a patient’s dentition – such as the one shown in Figure 8 (123) – clearly involve dentition-specific features, tooth-specific features and structural properties.” The Official Action thus concludes that “these dental data images anticipate Applicant’s claims that the digitized form of the data shows the features outlined above.”

Applicant respectfully agrees with the statement in Paragraph 6 of the Official Action that *Farag* discloses the storage of data and the illustration of digitized images 275/285 of teeth. However, Applicant respectfully asserts that for *Farag*, the storage of a 3-D image (275/285) in association with patient information is merely of an administrative nature and leads to an electronic file.

For the present invention, the specific features of the teeth are stored supplementary to the image. This information is in addition to the pure shape of the tooth. In this regard, Applicant respectfully disagrees with the holding in Paragraph 6 of the Official Action. While the *Farag* 3-D image (275/285) does show specific features, such features are not identified separately in the image and cannot be used as characteristics for any search in the database.

For the present invention, the dental data information of the real teeth as images in digitized form goes beyond any administrative information (as in *Farag*), in that the information is defined in such a way that it is possible to use this data for construction of a “new” tooth, as discussed herein.

Thus contrary to the express recitation in independent claim 1 of the present invention, *Farag* does not disclose a database with identified tooth-specific structures, but only discloses storage of 3-D images (see Paragraph 38 of *Farag*). As discussed above, while these 3-D images are associated with a patient (see Fig. 3 of *Farag*), these images however are not the same as or equivalent to a database including identified tooth-specific structures which would include information as to a specific region of a tooth from several different teeth of the same type.

For example, as discussed in the original specification on page 16, lines 7-16, “FIG. 1 shows a possible overall access sequence when accessing a tooth data bank. The data base itself contains, in particular, digitized images, such as binary coded images, of real teeth together with tooth-specific and/or dentition-specific data of the kind inevitably and inseparably associated, as structural features, with each individual tooth and/or dentition. These include, in particular, sex-specific and/or tooth family-specific and/or biography-specific and/or person-specific characteristics with or without anomalies.” As further discussed in the specification on page 10, lines 5-9, “it is particularly advantageous when the user of the data base (tooth-specific and/or design-specific) has the data available on his own data processing facilities so as to minimize reaction times and, consequently, the processing time.”

Thus whereas *Farag* discloses a general database with the data of a person’s tooth, *Farag* however does not teach or suggest the aforementioned advantages of using a data base with tooth-specific dental data, and clearly does not disclose a data base including, “dental data concerning universally applicable dentition-specific features and universally applicable tooth-specific features,” as recited in claim 1 (emphasis added).

With regard to the teachings of *Paiz*, which has been cited for teaching the providing of data to a user through a computer network system in exchange for payment as recited in dependent claims 15 and 16, Applicant respectfully asserts that *Paiz* fails to overcome the aforementioned deficiencies in the teachings of *Farag*.

As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. Of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Moreover, as pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Since these criteria have not been met, Applicant respectfully asserts that the rejections under 35 U.S.C. § 102 (b) and § 103 (a) should be withdrawn because *Farag* and *Paiz* do not teach or suggest each feature of independent claim 1.

In view of the above arguments, Applicant respectfully requests the rejection of independent claim 1 under 35 U.S.C. § 102 be withdrawn. Additionally, claims 2-18 and 26, which depend from independent claim 1, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

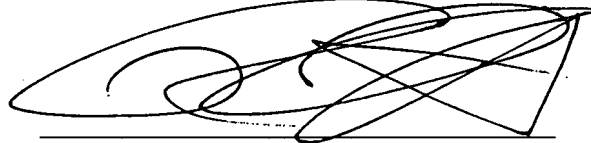
CONCLUSION

In view of the foregoing, Applicant respectfully requests the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Applicant also requests the Examiner’s reconsideration and reexamination of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

DYKEMA GOSSETT PLLC

A handwritten signature in black ink, appearing to read 'Adesh Bhargava', written over a horizontal line.

By:

Adesh Bhargava

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